

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARC BRAGG, Esq., an individual,

Plaintiff,

v.

LINDEN RESEARCH, INC., a corporation,
and PHILIP ROSEDALE, an individual,

Defendants.

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CIVIL ACTION

Case No. 06-4925

ORDER

AND NOW, this ___ day of _____, 2007, upon consideration of Defendants' Motion for Extension of Time, and any response thereto, it is hereby **ORDERED** that the Motion is **GRANTED** and that Defendants shall answer or otherwise respond to the Complaint on or before July 16, 2007.

SO ORDERED:

, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARC BRAGG, Esq., an individual,

Plaintiff,

v.

LINDEN RESEARCH, INC., a corporation,
and PHILIP ROSEDALE, an individual,

Defendant.

CIVIL ACTION

Case No. 06-4925

**MOTION OF DEFENDANTS LINDEN RESEARCH, INC. AND
PHILIP ROSEDALE FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendants Linden Research, Inc. and Philip Rosedale (collectively “Defendants”), by and through their undersigned attorneys, hereby move this Court for an extension of time to respond to the Complaint and in support of their Motion aver as follows:

1. On May 31, 2007, the Court denied Defendants’ Motion to Compel Arbitration and Mr. Rosedale’s Motion to Dismiss for Lack of Personal Jurisdiction.
2. Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants’ response to the Complaint is due on June 14, 2007.
3. On June 6, 2007, Defendants retained the law firm of Cooley Godward Kronish LLP (“Cooley”) and on or about June 8, 2007 decided to have Cooley represent their interests as lead counsel in this matter. On June 11, 2007, the undersigned filed motions seeking the admission *pro hac vice* of John W. Crittenden and Kathleen E. Treiber of the Cooley firm.
4. Linden and Mr. Rosedale have asked the Cooley firm to investigate the facts of this case, research the law, and prepare their responsive pleading.

5. As the Court is well-aware, the Complaint is 46 pages and 239 paragraphs in length and contains 10 separate causes of action. It is not reasonably possible for counsel to investigate and answer the extensive factual allegations and prepare defenses adequately in the time remaining to respond. Considering the size of the Complaint and the detailed, factual allegations contained therein, a thirty (30) day extension of time is reasonable. See James Industries, Inc. v. Lexar Corp., 60 Fed. Appx. 385, 2003 WL 1477785, at *1 (3d Cir. Mar. 24, 2003) (noting that extension of time to respond to the Complaint was provided by trial court after party secured new counsel).

6. No other extensions have been granted or sought.

7. On June 11, 2007, Plaintiff's counsel was informed of Linden's decision to retain new counsel and was asked to consent to the thirty day extension of time sought in this Motion. Plaintiff's counsel refused to agree to an extension.¹

8. No prejudice will result from the extension of time sought herein inasmuch as the matter has been pending since October 2006 and no rights of plaintiff will be diminished as a result of this brief extension.

9. Accordingly, Defendants request that the attached proposed form of Order, which provides Defendants until July 16, 2007 to file their response to the Complaint, be entered.

¹ By contrast, when Plaintiff's counsel sought an extension of time to respond to Defendants' motions pending a decision on Plaintiff's motion to remand, Defendants agreed to an open-ended extension of time.

Respectfully submitted,

/s Andrew J. Soven

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Andrew J. Soven

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(Motions *Pro Hac Vice* Pending)

Attorneys for Defendants Linden Research, Inc.
and Philip Rosedale

Dated: June 11, 2007

CERTIFICATE OF SERVICE

I, Andrew J. Soven, hereby certify that the foregoing Motion for Extension of Time has been filed electronically on this 11th day of June, 2007 and is available for viewing on the Court's ECF system.

"s"/ Andrew J. Soven
Andrew J. Soven